

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN WALKER JONES,

Plaintiff,

v.

JOSEPH BICK, et al.,

Defendants.

Case No. [20-cv-05538-HSG](#)

ORDER OF DISMISSAL

On August 10, 2020, plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Dkt. No. 1. That same day, the Clerk of the Court informed plaintiff that this action was deficient because he had not paid the filing fee or submitted a complete *in forma pauperis* application. Dkt. No. 6. Plaintiff was instructed to respond within twenty-eight days of the date of the order. Dkt. No. 6. The deadline has passed, and plaintiff has neither paid the filing fee nor submitted a completed *in forma pauperis* application, or otherwise communicated with the Court. The Court therefore DISMISSES this action without prejudice.¹

Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion must contain a complete *in forma pauperis* application, i.e., an application with the required certified copy of the plaintiff's inmate trust account statement for the last six months.

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¹ Plaintiff argues that he should be granted leave to proceed *in forma pauperis* in this action because he has been previously granted leave to proceed *in forma pauperis* in other actions in other courts. Dkt. No. 2. The Court looks to a plaintiff's financial status at the time the action is filed to determine whether plaintiff is entitled to proceed *in forma pauperis* in the action before it. Whether other courts have previously granted plaintiff leave to proceed *in forma pauperis* has no bearing on the Court's decision.

The Clerk shall enter judgment and close the file. All pending motions are DENIED as moot.

IT IS SO ORDERED.

Dated: 9/28/2020


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California